FOR MYSORE STATE

DEBELOPMENT **(195 2) Department:**

MS **SERIES.**

G.O. No. 5190

Dated 3/12/52

[Despatch Abstract.]

MINES - Mining lease - Transfer when a lessee dies - Instructions issued.

(A B S T R A C T)

MINES - Mining Lease - Transfer when a lessee dies - Instructions issued.

Development Department

G.O.Ms.No.5190. Dated 3rd December 1952.
Read the following:-

From the Director of Industries and Commerce,
Ref.J/L-12315/51-7, dated 14th October 1952.

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O R D E R:

The Collector of Nellore has raised the point as to whom the working of a mine should be entrusted (with all the responsibilities involved thereby) when the lessee dies suddenly leaving the question of heirship in dispute and where the legal heirs are not holders of valid certificates of approval The Director of Industries and Commerce has expressed the view

i) that when a lessee dies suddenly leaving the question of heirship in dispute there is no alternative but to stop the working of the mine till the question of heirship is decided by a competent authority.

ii) that when the lessee dies leaving heirs, such legal heirs may be recognised as lessees and allowed to be in charge of the mine whether or not they be holders of valid certificates of approval in their own respect; and

iii) that when there are more than one legal heirs, they may be asked to nominate one among themselves to be in charge of the mine with all the responsibilities involved thereby.

The Government have examined the above points and issue the following instructions:-

i) In case of a dispute over the heirship the decision of only a competent court of Law will be valid and accpetable.

If in such cases the mine remains unworked for a sufficiently long time, the Collector of the District may, without awaiting the Court's decision take action to cancel the lease for the non-working of the mine, after due notice to the different claiments to the property.

ii) Mining leases are leases under Sections 105 to 108 of the Transfer of Property Act and are heritable unless there is anything to the contrary in the terms of the lease deed. Therefore, when a lessee dies, during the period of the lease, his legal heirs will be jointly entitled to the lease. The fact that all or any of the heirs did not possess a certificate of approval will not defeat the right so inherited by them.

iii) The position in regard to a join Hindu family will be that the principal member of the family can be recognised as acting on behalf of other heirs (who are joint holders of the lease). Otherwise a written authorisation of the heirs nominating one of them to look to the working of the mine can be accepted. In such cases, the lease need not necessarily be transferred to the person so nominated.

(BY ORDER OF THE GOVERNOR)

S ARULDOSS,
Deputy Secretary to Government.

To the Director of Industries and Commerce.
To all Collectors.

(TRUE COPY)

SUPERINTENDENT.

P.K.Amuthambigai 28/11

Examined by : A. Viswanathan 30.11.53

Read by : f.c. Filed 30.XI.53.